

REMARKS

Reconsideration of this application and the rejection of claims 1-16 are respectfully requested. Applicants have attempted to address every objection and ground for rejection in the Office Action dated June 2, 2008 (Paper No. 20080530) and believe the application is now in condition for allowance. The claims have been amended to more clearly describe the present invention.

Claims 1 and 3-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,226,568 to Newton et al. Applicants disagree with and traverse this rejection for the following reasons.

Newton discloses a flexible container including a body portion 16, a neck portion 17 and a head portion 18 as shown in Fig. 3 below.

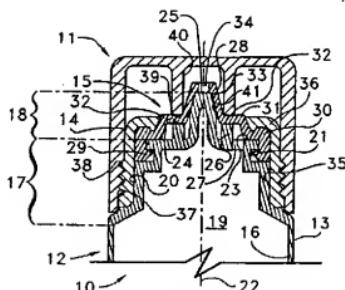


FIG. 3

The neck portion 17 includes a valve stem 25 and an outlet opening 27. A pliable valve closure 15 is mounted over the head portion 18 and is permanently attached to the container by retaining ring 14 (Col. 3, lines 16-18). A cap 11 is threaded onto the retaining ring.

To dispense fluid from the container in Newton, the cap 11 is removed. A user then squeezes the container causing fluid to flow through outlet 27, past diaphragm 31 and out of discharge outlet 34.

In contrast, claim 1 recites, among other things, a one-way valve for discharging a flowable material from a container of a reducible volume including “a valve seat which is arranged in an opening defined by the container neck and comprises a base body which rests on an inner wall of the container neck and contains at least one through hole . . .” and “an elastic seal which comprises an annular section which covers the at least one through hole.” Newton does not disclose such subject matter.

As shown in Fig. 3 of Newton above, Newton does not disclose a valve seat arranged in an opening defined by the container neck as suggested by the Examiner. In the Action, the Examiner specifically states that Newton discloses a “valve seat 28 arranged in the container neck 18 . . . with an elastic seal 33 with an annular section 32 . . . held by an annular projection 36 of the cap 14.” Applicants disagree.

Newton does not disclose a valve seat arranged in an opening of the container neck as in amended claim 1. The neck portion 17 and the head portion 18 in Newton are both extensions of the main body of the container. Furthermore, neither the neck portion nor the head portion define an opening (other than the opening 27) to receive a valve seat.

Newton also does not disclose an elastic seal having an annular section that covers the through hole. No portion of the pliable valve closure 15 covers the through opening 17. As shown in Fig. 3 of Newton above, the portion of the pliable valve closure 15 near the opening 17 is a distance above the opening 27. Therefore, the pliable valve closure 15 does not cover

the opening 17 as in the claimed invention. This allows air to come in contact with the fluid in the container that could lead to contamination of the fluid. The claimed invention avoids such contamination by sealing the opening until the fluid is ready to be dispensed from the container.

Additionally, Newton does not disclose the subject matter of claim 12. Claim 12 recites, among other things, a one-way valve where “the upper edge of the sleeve-like section of the seal is in alignment with the upper side of the cap in the closed state of the valve.” As shown in Fig. 3 of Newton, the upper edge of the pliable valve closure 15 is not in alignment with any portion of the cap 11. Therefore, Newton does not disclose the subject matter of claim 12.

For at least these reasons, Applicants submit that amended claim 1, and the claims that depend therefrom, are each patentably distinguished over Newton and in condition for allowance.

Claims 2 and 13-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Newton in view of U.S. Patent No. 5,490,938 to Sawan et al. Claims 2 and 13-16 depend from amended claim 1. Applicants therefore submit that claims 2 and 13-16 are patentably distinguished over the combination of Newton and Sawan for the reasons provide above and for the further reason that the cited combination does not disclose or suggest the subject matter of claims 2 and 13-16 in combination with the subject matter of claim 1.

New claim 17 recites, among other things, a one-way valve including “a valve seat which is arranged in a neck of the container and includes a base body including a planar base plate having at least one through hole and a circumferential wall including an externally surrounding shoulder that engages an edge of the container neck, and a projection which extends in an axial direction of the container neck towards the exit opening,” “an elastic seal including

an annular section which covers the at least one through hole . . .” and “a non-removable cap seated on the container neck and including an exit opening for the material, wherein the annular section of the seal has a planar shape and is held by an annular projection of said cap radially outside of the at least one through hole in contact with said base plate of said valve seat.”

The cited art does not disclose a valve seat having a circumferential wall and shoulder that engages an edge of the container neck and an elastic seal that covers the through hole. The cited art also does not disclose “a non-removable cap seated on the container neck and including an exit opening for the material, wherein the annular section of the seal has a planar shape and is held by an annular projection of said cap radially outside of the at least one through hole in contact with said base plate of said valve seat” In contrast to the claimed invention, the cap 11 in Newton is removable from the retainer ring 14 and is meant to be removed so that a fluid can be dispensed from the container (Col. 3, lines 53-65).

Accordingly, Applicants submit that new claim 17 is patentably distinguished over the cited art and in condition for allowance.

Applicants submit that in view of the above-identified amendments and remarks, the claims in their present form are patentably distinct over the art of record. Allowance of the rejected claims is respectfully requested. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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